REMARKS/ARGUMENTS

Applicant hereby reaffirms the election of the invention of Species A.

Claims 1-8 stand rejected as obvious over U.S. Patent 6,226,855 to Maine in view of U.S. Patent 7,431,341 to McIntyre. The rejection is respectfully traversed.

To begin with, Applicant respectfully submits that McIntyre is not prior art available under 102(e) to be applied in an obviousness rejection under 103. The PCT date of McIntyre is July 25, 2003. That being the case, it is not a valid 102(e) reference for use in an obviousness rejection. The effective date of Applicant's application is February 8, 2002. Pursuant to MPEP 706.02(f), since Applicant's effective date is February 8, 2002, and since the earliest date under 102(e) that can be afforded the McIntyre reference is its international filing date, i.e., July 25, 2003, it is respectfully submitted that McIntyre is not a valid 102(e) reference. Accordingly, McIntyre cannot be used to cure the infirmity of Maine recognized by the Examiner, i.e., that Maine fails to disclose that the dimensions of the bridging member and the sequence of method steps are such as to ensure that there is space between the material of the bridging member and the inside of the abutting ends of the conduits, at least during an initial pass of welding. Accordingly, it is respectfully submitted that Claim 1 and all claims dependent thereon is patentable over Maine in view of McIntyre.

Assuming arguendo that McIntyre was a valid reference, the combination of McIntyre and Maine would still not render Applicant's claims obvious. It is true as stated by the Examiner in paragraph 8 of the Office Action that Maine

substantially discloses the features of Claim 1 with the exception of "the dimensions of the bridging member and the sequence of the method steps are such as to ensure that there is space between the material of bridging member and the inside of the abutting ends of the conduits during at least the initial pass of said welding step." The invention of McIntyre, as clearly set forth in McIntyre in column 2, lines 44 etc., is to provide one or more vents for balancing the pressure differential between the micro-annulus formed between the internal liner and the pipe sections and a bore defined by the connected pipe sections. To accomplish this result, McIntyre employs a complicated bridging system and incorporates in that bridging system a metallic shielding ring 15 to overcome the problem of heat generated during the welding process damaging either the pipe liner connector 1 or the vented liner 3 (see column 4, lines 30-44). While the Examiner has cited to those lines in Figure 1 to presumably support the position that McIntyre ensures that there is space between the material of the bridging member and the inside of the abutting ends of the conduits, in point of fact, those lines support the position advanced by Applicant, i.e, to counter the heat column associated with welding, a shielding ring must be employed. Vis-à-vis an "annular space," McIntyre is referring to the "micro-annulus" between the pipe section 2 and the area of the pipe liner connector 1 between the sealing rings 10 not an annulus to overcome heat problems generated by welding. To overcome the problem of pressure differences, as clearly stated by McIntyre in column 4, lines 12-19, a series of venting grooves are formed longitudinally across the outer surface of the raised ring section 11 and there are vents 13 located within

the body of the sleeve. The vents 13 provide a means for relieving pressure from a micro-annulus between the pipe section 2 and the pipe liner connector 1 and the pipe section bore. McIntyre does this, as expressly taught in column 4, lines 26-29 to obviate the risk of liner collapse caused by by-products in the micro-annulus.

In addition to the infirmities of McIntyre as discussed above in solving the problem of heat damage caused from the welding process, the McIntyre pipe liner connector 1 is much more complicated and expensive than Applicant's bridging sleeve which is set forth in newly added Claim 38 is a unitary or monolithic piece of material. In this regard, note that the pipe liner connector 1 of McIntyre is comprised of at least three different components, sleeve 6, vents 13 and shielding portion 14, to say nothing of sealing ring 10. Applicant's bridging member is quite simple in construction and as set forth in Claim 1, comprised of a corrosion-resistant material dimensioned to fit inside of the lined conduits. As noted, and as specifically set forth in new Claim 38 Applicant's bridging member is of unitary construction, not multiple compound construction as taught by McIntyre and detailed above.

Maine would direct one of skill in the art away from Applicant's invention. To the extent Maine perceives a problem with heat generated in the welding process, the solution of Maine as set forth in Figure 4 and described in column 3, lines 34-43 is to provide a ring 30 having an outwardly facing annularly extending groove in which is received a ring of heat insulating material 32. Thus, a skilled artisan reading Maine would be prompted to deal with the issue of heat from the

welding process by concentrating on the structure of Maine vis-à-vis the ring 30 and the type of insulating material 32.

It can be seen from the above that no combination of Maine and McIntyre would lead the skilled artisan to use a simple metal sleeve (bridging member) as claimed by Applicant with the provision of an annular space between the bridging member and the pipe ends. In this regard, the Examiner's attention is specifically directed to Claim 6 which recites that following the initial or first pass of welding, the intermediate portion of the bridging member can be expanding radially so as to eliminate any gap between the bridging member and the inside of the abutting ends of the conduits.

Applicant notes with appreciation the indication of allowable subject matter as to Claim 7 if placed in independent form. In view of the foregoing, it is respectfully submitted that Claims 1-6 and 8 are also in condition for allowance which is hereby earnestly solicited and respectfully requested.

Respectfully submitted,

/C. James Bushman/

C. James Bushman
Reg. No. 24,810

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BROWNING BUSHMAN P.C.
5851 San Felipe, Suite 975
Houston, Texas 77057
Tel.: (713) 266-5593
Fax: (713) 266-5169

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